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FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. APPLICATION NO. P-6251 (301446-000019) 2109 07/27/2001 John Haig Marsh 09/916,802 7590 01/13/2003 Jefferson Perkins **EXAMINER** Piper Marbury Rudnick & Wolfe DAVIE, JAMES W P.O. Box 64807 Chicago, IL 60440-0807 ART UNIT PAPER NUMBER

DATE MAILED: 01/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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James W Davie 2828	Office Action Summary	09/916,802	MARSH ET AL.	
The MALLING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Detentions of the may be a swaled user for provisional of 3 CERT 1.13(6a). In no evert, nowever, may a reply be timely filed the period for reply specified above is less than thirty (30) stays. a reply with the statutory minimum of thinly (30) stays will be considered freely. If the period for reply specified above is less than thirty (30) stays, a reply with the statutory minimum of thinly (30) stays will be considered freely. If the period for reply specified above is less than thirty (30) stays are reply with the statutory reply will be period for reply specified above is the statutory period will apply and all opide St (9) (9) (9) (9) (9) (9) (9) (1) (1) (1) (1) (1) (1) (1) (1) (1) (1		Examiner	Art Unit	
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2a) This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-21 and 27-30 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 1-21 and 27-30 is/are rejected. 7) Claim(s) is/are allowed. 6) Claim(s) 1-21 and 27-30 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filled on is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. 11) The proposed drawing correction filled on is: a) approved b) disapproved by the Examiner. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for domestic priority under 35 U.S.C. § 119(b) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachmentye) 10 Notice of References Cited (PTO-982) 21 Notice of Dattsperson's Patent Drawing Review (PTO-948)	 THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period we Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). 	36(a). In no event, however, may a reply be till within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	nely filed /s will be considered timely. In the mailing date of this communication (D) (35 U.S.C. § 133).	1.
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3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)	1. Certified copies of the priority documents	s have been received.		
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	 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 	5) Notice of Informal		

Application/Control Number: 09/916,802

Art Unit: 2828

DETAILED ACTION

Claim Objections

1. Claims 27-30 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Use of the claim 1 device in a system does not further limit the device.

Claim Rejections - 35 USC § 112

- The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 3. Claims 1-22 and 27-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, "at least one portion which has been Quantum Well Intermixed" fails to define any structure. It is not clear as to what structure applicant intends to claim.
- 4. Claims 1-22 and 27-30 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. Applicant purports to claim a semiconductor laser device but fails to set forth the critical required elements of a laser device. A laser requires an active media, resonate cavity and pumping means.

Application/Control Number: 09/916,802

Art Unit: 2828

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Paoli, Beernink et al ('674), Koteles et al and Beernink et al ('802) teach semiconductor devices with layer intermixing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W Davie whose telephone number is (703) 308-4847. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Ip can be reached on (703) 308-3098. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Ames W Davie Primary Examiner Art Unit 2828

jd January 7, 2003